



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

MAILED
MAR 22 2010
FCC Mail Room

DOCKET FILE COPY ORIGINAL

DA 10-465

Released: March 19, 2010

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON MOTOROLA, INC.
REQUEST FOR INTERPRETATION OR WAIVER OF SECTION 90.267 OF THE
COMMISSION'S RULES REGARDING 450-470 MHZ BAND LOW POWER OPERATIONS**

WT Docket No. 10-74

Comment Date: April 19, 2010

Reply Date: May 4, 2010

On March 4, 2010, Motorola, Inc. (Motorola) filed a request for interpretation or waiver of Section 90.267 of the Commission's Rules.¹ Section 90.267 designates certain 450-470 MHz band frequencies for low power use. Motorola seeks a declaratory ruling that low power systems authorized pursuant to Section 90.267 are not subject to the requirement in Section 90.173(i) of the Commission's Rules of a standard five megahertz separation between paired 450-470 MHz band base and mobile frequencies.² It argues that the standard separation applies only to the "primary" frequencies in the band spaced 25 kilohertz apart, and not to "offset" frequencies between them, including the low power frequencies set forth in Section 90.267.

In the event that the rules are interpreted to require the standard five megahertz separation for low power frequencies, Motorola requests a blanket waiver of that requirement with respect to applications for low power operations that are submitted pursuant to Section 90.267. Motorola argues that a waiver would serve the public interest by promoting more effective utilization of spectrum, because it would facilitate the deployment of low power repeaters with non-standard separation to avoid the occurrence of intermodulation interference when multiple repeater cells are used within close proximity.

Commenters are requested to address the merits of the request. With respect to the waiver request, commenters should consider whether any conditions should be placed on operations with non-standard separation pursuant to a waiver, such as limitations on power or antenna height, or a restriction to indoor use.

Procedural Matters

Comments on the request are due **no later than April 19, 2010**. Reply comments are due **no later than May 4, 2010**. All filings should reference the docket number of this proceeding, WT 10-74.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the

¹ 47 C.F.R. § 90.267.

² See 47 C.F.R. § 90.173(i).

Commission's *ex parte* rules.³ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁴ More than a one- or two-sentence description of the views and arguments presented is generally required.⁵

The request is available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies of the request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 10-74. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail

³ See 47 C.F.R. §§ 1.1200(a), 1.1206.

⁴ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁵ See 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). See 47 C.F.R. § 1.1206(b).

FCC@BCPIWEB.com.

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 10-74. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Mr. Rodney Conway of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2904, Rodney.Conway@fcc.gov.

- FCC -